



The stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

### ISSUES

What is the nature and extent of claimant's injury and disability?

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record and the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board, in reviewing the Award of Administrative Law Judge John D. Clark, finds the applicable facts and law are accurately set out therein and adopts the Award of Administrative Law Judge John D. Clark, dated January 19, 1995, as its own in toto. In so doing, the Appeals Board finds claimant has suffered a loss of four percent (4%) of his functional impairment to the body as a whole, as a result of the injuries suffered on September 23, 1993, arising out of and in the course of his employment with respondent.

### AWARD

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the claimant, James Andrews, is awarded benefits against the respondent, Universal Surety Company, and its insurance company, Fidelity & Deposit Company of Maryland, for an accidental injury sustained on September 23, 1993.

Claimant is entitled to 12 weeks temporary total disability compensation at the rate of \$313.00 per week totaling \$3,756.00, followed by 16.6 weeks permanent partial general body disability at the rate of \$313.00 per week totaling \$5,195.80, for a 4% permanent partial general body disability, making a total award of \$8,951.80.

As of June 30, 1995, the entire amount would be due and owing to claimant, which is ordered paid in one lump sum, less amounts previously paid.

Pursuant to K.S.A. 44-536, the claimant's contract of employment with his counsel is hereby approved.

The fees necessary to defray the expense of the administration of the Workers Compensation Act are hereby assessed against the respondent to be paid as follows:

Barber & Associates	
Transcript of Regular Hearing	\$245.70
Deposition of Philip Mills, M.D.	247.00
TOTAL	\$492.70
Gene Dolginoff Associates, Ltd.	
Deposition of Daniel Zimmerman, M.D.	\$517.90

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Randy S. Stalcup, Wichita, Kansas  
Stanley E. Oyler, Topeka, Kansas  
John D. Clark Administrative Law Judge  
David A. Shufelt, Acting Director